EASTERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT FOR THE

ISAIAS GARZA,) CV F 05-0470 AWI DLB
Plaintiff,	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DISMISSING ACTION
STATE COMPENSATION INSURANCE FUND,)))) (Documents #1 & #5)
Defendant.)

Plaintiff is proceeding pro se and in forma pauperis. Pursuant to 28 U.S.C. § 1915(e)(2), the Magistrate Judge entered Findings and Recommendations that recommend this action be dismissed because the court does not have jurisdiction. These Findings and Recommendations were served on Plaintiff and contained notice that any objections could be filed within thirty days.

On March 16, 2005, the court received a letter from Plaintiff. In the letter Plaintiff states that he is pursuing this action on the state level.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)C) this court has conducted a <u>de novo</u> review of this case. <u>See Britt v. Simi Valley Unified School Dist.</u>, 708 F.2d 452, 454 (9th Cir. 1983). Having carefully reviewed the entire file, the court adopts the recommendation that this action be dismissed. In his objections, Plaintiff appears to agree that

this action cannot proceed in this court. Plaintiff is now attempting to resolve this action in the state system. Accordingly, it is HEREBY ORDERED that: The Findings and Recommendations issued by the Magistrate Judge on April 12, 2005 1. are ADOPTED IN FULL; This action is DISMISSED without prejudice. 2. IT IS SO ORDERED. Dated: May 18, 2005 /s/ Anthony W. Ishii UNITED STATES DISTRICT JUDGE 0m8i78